



C. Earl Hunter, Commissioner

*Promoting and protecting the health of the public and the environment.*

## ***PUBLIC NOTICE***

### ***Amendment***

The permittee for P/N# OCRM-02-078-M, Richards Gregory has requested an amendment to that issued permit. The applicant proposes to modify an existing dock. Specifically, replace the previously approved four-pile boatlift with a 150 square foot jet dock to be attached to the floating dock. The proposed amendment is for changes to a private recreational dock on Ellis Creek, at 676 Ellis Oaks Dr., Charleston, Charleston County, South Carolina.

**Comments will be received on this amendment request until May 29, 2006. For further information please contact the project manager for this activity, Melissa Rada, 843-747-4323 ext. 122.**



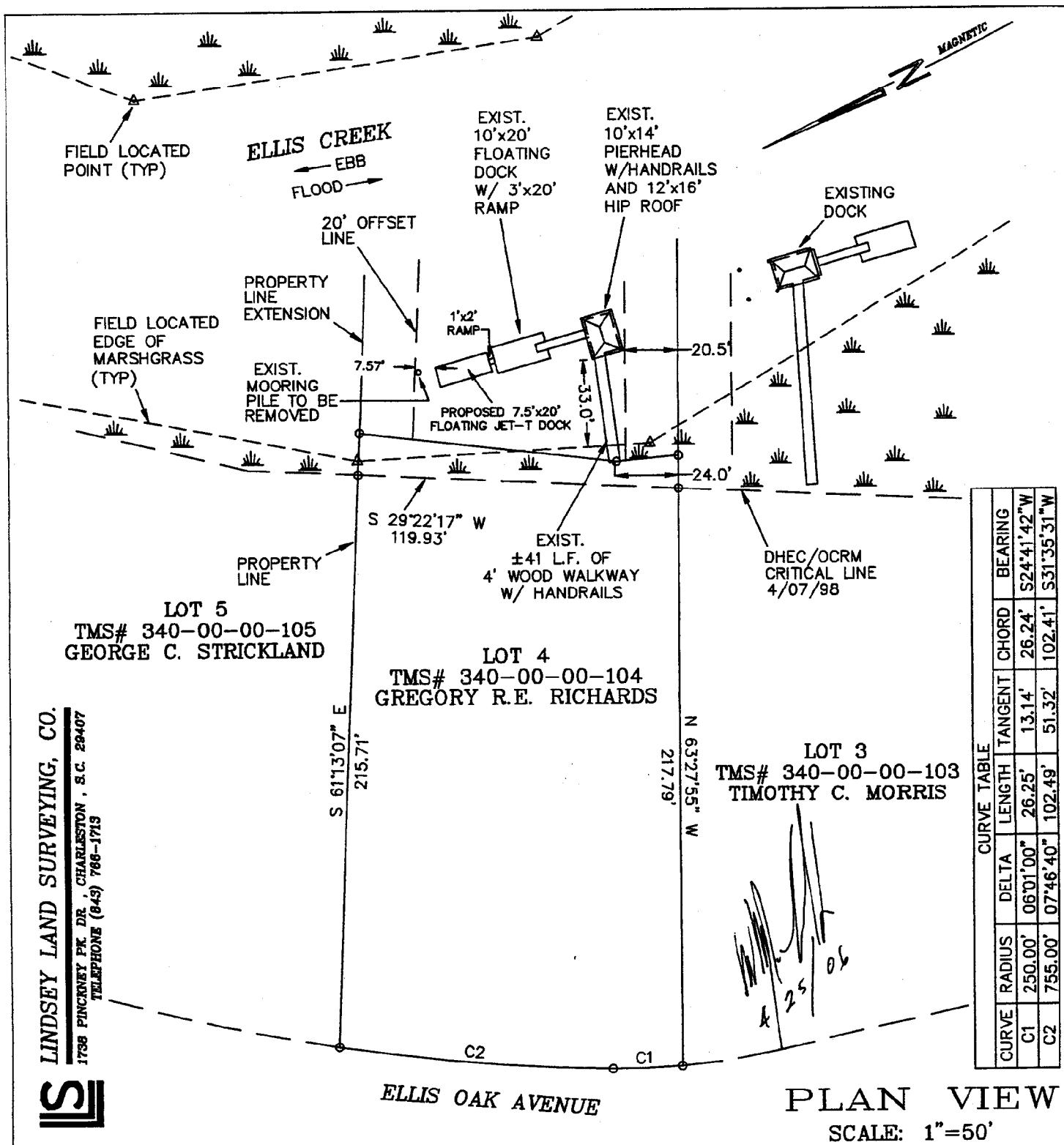
May 19, 2006

**SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**

**Ocean and Coastal Resource Management**

**Charleston Office • 1362 McMillan Avenue • Suite 400 • Charleston, SC 29405**

**Phone: (843) 744-5838 • Fax: (843) 744-5847 • [www.scdhec.gov](http://www.scdhec.gov)**



**LINDSEY LAND SURVEYING, CO.**  
1738 PINEKEY PK. DR., CHARLESTON, S.C. 29407  
TELEPHONE (843) 786-1715

**APPLICANT:** GREGORY R.E. RICHARDS

**ACTIVITY:** AMENDMENT FOR EXISTING DOCK (TO ADD A JET SKI DOCK)

**P/N#** 02-078M

**LOCATION:** ELLIS OAKS  
LOT 4 PARCEL D  
CITY OF CHARLESTON  
CHARLESTON COUNTY  
SOUTH CAROLINA

**DATE:** APRIL 25, 2006

**ADJACENT PROPERTY OWNERS:**

TMS# 340-00-00-103  
TIMOTHY C. MORRIS

TMS# 340-00-00-105  
GEORGE C. STRICKLAND

LINDSEY LAND SURVEYING, CO.

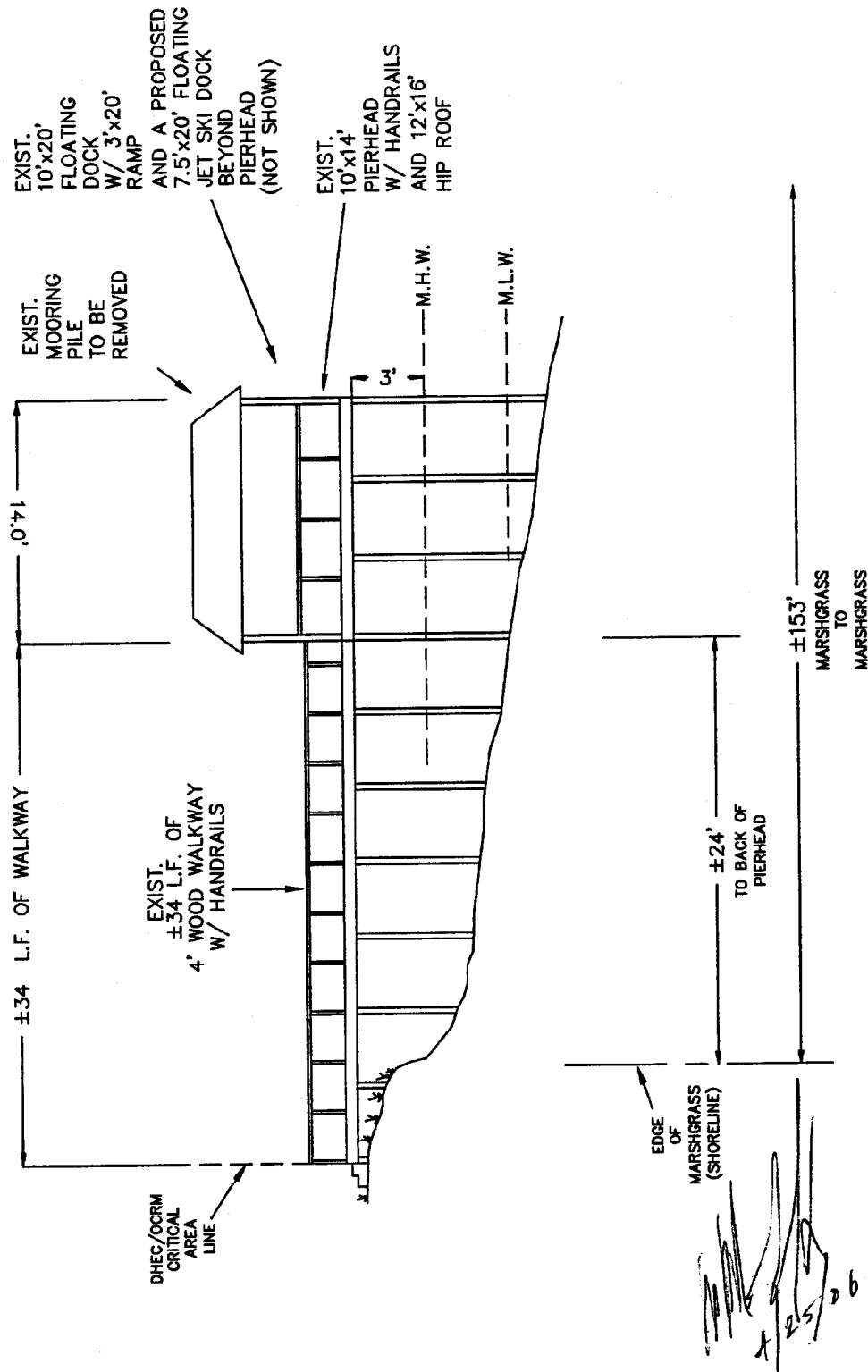
1758 PINCKNEY PK DR., CHARLESTON, S.C. 29407  
TELEPHONE (843) 766-1713



RECEIVED

MAY 12 2006

DHEC-OCRM  
CHARLESTON OFFICE



CROSS SECTION  
(NOT TO SCALE)

APPLICANT: GREGORY R.E. RICHARDS

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**South Carolina Department of Health and Environmental Control  
Office of Ocean and Coastal Resource Management  
CRITICAL AREA PERMIT**

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Permittee(s):       **Alan M. Tanenbaum**

Permit Number(s): **OCRM-02-078-M**

Date of Issuance:   **May 17, 2002**

Expiration Date:    **May 17, 2007**

Location:           **Lot 4, Ellis Oaks Ave., Ellis Oaks Subdivision  
James Island, Charleston County, South Carolina  
James Island Creek**

**SEE SPECIAL  
CONDITION(S)**

This permit is issued under the provisions of S. C. Code Ann. Section 48-39-10, *et. seq.*, and R.30-1 through R.30-20. Please carefully read the project description and any Special Conditions that may appear on this permit/certification as they will affect the work which is allowed. If there are no Special Conditions, then the work is authorized as described in the project description. The general conditions are also a part of this permit/certification and should be read in their entirety. The S. C. Contractor's Licensing Act of 1999, enacted as Section 40-11-5 through 430, requires that all construction with a total cost of \$5,000 or more be performed by a licensed contractor with a valid contractor's license for marine class construction, except for construction performed by a private landowner for strictly private purposes.

**DESCRIPTION OF THE PROJECT**

The plans submitted by you, attached hereto, show the work consists of the following: The work as proposed, and shown n the attached plans consists of removing and replacing an existing dock. The applicant proposes to remove an existing dock and replace it with a 4' by 48' walkway with handrails leading to a 10' by 14' covered fixed pierhead, also with handrails. On the downstream side of the proposed pierhead a ramp will lead to a 10' by 20' floating dock. The applicant also proposes to install a 12' by 12' four pile boatlift on the upstream side of the proposed fixed pierhead. The purpose of the described activity is for the applicant's private, recreational use.

**SPECIAL CONDITIONS**

1. Provided all applicable conditions of the approved Dock Master Plan for Ellis Oaks Subdivision as they apply to this lot are incorporated into the dock's construction.
2. Provided this dock, any boat moored to this dock or any boat resting in the boatlift does not impede or unduly restrict navigation at any stage of the tide cycle.

3. Provided all portions of the dock are constructed as to remain a minimum of 20' from the adjoining extended property line.
4. Provided no portion of the pierhead is enclosed.
5. Provided the proposed floating dock is located in such a manner so as to minimize disturbance to shellfish resources. Direct encroachment on any shellfish beds should be avoided.
6. Provided the proposed pierhead roof is constructed as a HIP style roof. No part of the roof or attached structures including, but not limited to, dormers and copulas, may exceed 15 feet above mean high water.
7. Provided that the handrails meet(s) the requirement for safety, however, the height must not exceed 36" above the walkway and/or pierhead decking.
8. Provided that if archaeological or paleontological remains are encountered prior to or during construction, we request that work stop and the State Historic Preservation Office be notified at 803-734-8615. If these materials include any underwater archaeological or paleontological remains the permittee should also notify the SC Institute of Archaeology and Anthropology at 803-777-8170 pursuant to SC Code of Laws 54-7-400, et seq. Archaeological remains consist of any materials made or altered by man which remain from past historic or prehistoric times (i.e., older than 50 years). Examples include old pottery fragments, metal, wood, arrowheads, stone implements or tools, human burials, historic docks, structures or nonrecent (i.e., older than 100 years) vessels ruins. Paleontological remains consist of old animals remains, original or fossilized, such as teeth, tusks, bone or entire skeletons.

PERMITTEE'S ATTENTION IS DIRECTED TO GENERAL CONDITIONS NUMBERS FOUR (4) AND FIVE (5). BY ACCEPTANCE OF THIS PERMIT, PERMITTEE IS PLACED ON NOTICE THAT THE STATE OF SOUTH CAROLINA, BY ISSUING THIS PERMIT, DOES NOT WAIVE ITS RIGHTS TO REQUIRE PAYMENT OF A REASONABLE FEE FOR USE OF STATE LANDS AT A FUTURE DATE IF SO DIRECTED BY STATUTE.

THE PERMITTEE, BY ACCEPTANCE OF THIS PERMIT AGREES TO ABIDE BY THE TERMS AND CONDITIONS CONTAINED HEREIN AND TO PERFORM THE WORK IN STRICT ACCORDANCE WITH THE PLANS AND SPECIFICATIONS ATTACHED HERETO AND MADE A PART HEREOF. ANY DEVIATION FROM THESE CONDITIONS, TERMS, PLANS AND SPECIFICATIONS SHALL BE GROUNDS FOR REVOCATION, SUSPENSION OR MODIFICATION OF THIS PERMIT AND THE INSTITUTION OF SUCH LEGAL PROCEEDINGS AS THE DEPARTMENT MAY CONSIDER APPROPRIATE.

**CAUTION:** Section 48-39-150(D) allows any person adversely affected by the issuance of this permit to appeal the decision by filing a written Notice of Intent to Appeal within 15 days after notification of the permit's issuance. In the event of an appeal, the Department reserves the right to order a stay of any use or activity authorized herein pending a final decision, when, in the judgement of the Department, the interests of the public would be best served. **EFFECTIVE SEPTEMBER 5, 2001**, pursuant to Temporary Amendments of the Rules of the Administrative Law Judge Division, the Division is requiring a \$70.00 filing fee to be accompanied with any written request for an appeal of a final agency decision. The written request must be filed with OCRM and a copy, with the \$70.00 fee, sent directly to the Division at P.O. Box 11667, Columbia, SC, 29211. The appeal will not be processed by the Division unless the fee is submitted.

Permit Number: OCRM-02-078-M

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

Michael Joyner for  
Alan M. Tanenbaum

(PERMITTEE(S))  
Alan M. Tanenbaum

5/20/02  
(DATE)

This permit becomes effective when the State official, designated to act for the Office of Ocean and Coastal Resource Management, has signed below.

Curtis M. Joyner  
(MANAGER, CRITICAL AREA PERMITTING)  
Curtis M. Joyner  
Or his Designee  
Other Authorized State Official

5/21/02  
(DATE)

## GENERAL CONDITIONS:

This construction and use permit is expressly contingent upon the following conditions which are binding on the permittee:

1. That the permittee, in accepting this permit, covenants and agrees to comply with and abide by the provisions and conditions herein and assumes all responsibility and liability and agrees to save the South Carolina Coastal OCRM and the State of South Carolina, its employees or representatives, harmless from all claims of damage arising out of operations conducted pursuant to this permit.
2. That if the activity authorized herein is not constructed or completed within five years of the date of issuance, this permit shall automatically expire. A request, in writing, for an extension of time shall be made not less than sixty days prior to the expiration date.
3. That all authorized work shall be conducted in a manner that minimizes any adverse impact on fish, wildlife and water quality.
4. That this permit does not relieve the permittee from the requirements of obtaining a permit from the U. S. Army Corps of Engineers or any other applicable federal agency, nor from the necessity of complying with all applicable local laws, ordinances, and zoning regulations. This permit is granted subject to the rights of the State of South Carolina in the navigable waters and shall be subject, further to all rights held by the State of South Carolina under the public trust doctrine as well as any other right the State may have in the waters and submerged lands of the coast.
5. That this permit does not convey, expressly or impliedly, any property rights in real estate or material nor any exclusive privileges; nor does it authorize the permittee to alienate, diminish, infringe upon or otherwise restrict the property rights of any other person or the public; nor shall this permit be interpreted as appropriating public properties for private use.
6. That the permittee shall permit the OCRM or its authorized agents or representatives to make periodic inspections at any time deemed necessary in order to ensure that the activity being performed is in accordance with the terms and conditions of this permit.
7. That any abandonment of the permitted activity will require restoration of the area to a satisfactory condition as determined by the OCRM.
8. That this permit may not be transferred to a third party without prior written notice to the OCRM, either by the transferee's written agreement to comply with all terms and conditions of this permit or by the transferred subscribing to this permit and thereby agreeing to comply.
9. That if the display of lights and signals on any structure or work authorized herein is not otherwise provided for by law, such lights and special signals as may be prescribed by the United States Coast Guard shall be installed and maintained by and at the expense of the permittee.
10. That the permit placard or a copy of the placard shall be posted in a conspicuous place at the project site during the entire period of work.
11. That the structure or work authorized herein shall be in accordance with the plans and drawing attached hereto, and shall be maintained in good condition. Failure to build in accordance with the plans and drawings attached hereto, or failure to maintain the structure in good condition shall result in the revocation of this permit.
12. That the authorization for activities or structures herein constitutes a revocable license. The OCRM may require the permittee to modify activities or remove structures authorized herein if it is determined by the OCRM that such activity or structures violates the public's health, safety, or welfare, or if any activity is inconsistent with the public trust doctrine. Modification or removal under this condition shall be ordered only after reasonable notice stating the reasons therefore and provision to the permittee of the opportunity to respond in writing. When the Permittee is notified that OCRM intends to revoke the permit, Permittee agrees to immediately stop work pending resolution of the revocation.
13. That the OCRM shall have the right to revoke, suspend, or modify this permit in the event it is determined the permitted structure (1) significantly impacts the public health, safety and welfare, and/or is violation of Section 48-39-150, (2) adversely impacts public rights, (3) that the information and data which the permittee or any other agencies have provided in connection with the permit application is either false, incomplete or inaccurate, or (4) that the activity is not in compliance with the drawings submitted by the applicant. That the permittee, upon receipt of the Coastal OCRM's written intent to revoke, suspend, or modify the permit has the right to a hearing. Prior to revocation, suspension, or modification of this permit, the OCRM shall provide written notification of intent to revoke to the permittee, and permittee can respond with a written explanation to the OCRM. (South Carolina Code Section 1-023-370 shall govern the procedure for revocation, suspension or modification herein described).
14. That any modification, suspension or revocation of this permit shall not be the basis of any claim for damages against the OCRM or the State of South Carolina or any employee, agent, or representative of the Coastal OCRM or the State of South Carolina.
15. That all activities authorized herein shall, if they involve a discharge or deposit into navigable waters or ocean waters, be at all times consistent with all applicable water quality standards, effluent limitations and standards of performance, prohibitions, and pretreatment standards established pursuant to applicable federal, state and local laws.
16. That extreme care shall be exercised to prevent any adverse or undesirable effects from this work on the property of other. This permit authorizes no invasion of adjacent of private property, and OCRM assumes no responsibility or liability from any claims of damage arising out of any operations conducted by the permittee pursuant to this permit.





ELLIS CREEK  
160' MARSH TO MARSH

● EXISTING MOORING PILE

EXISTING 6'X22' PIERHEAD

EXISTING 4'X40' WALKWAY

MLW

48'

68'

EXISTING 6' STEP

EXISTING DOCK  
CONDITIONS

EXISTING DOCK TO BE REMOVED :  
LOT 4 ELLIS OAKS DRIVE  
JAMES ISLAND, SC

PROPERTY OWNER:  
ALAN M. TANENBAUM

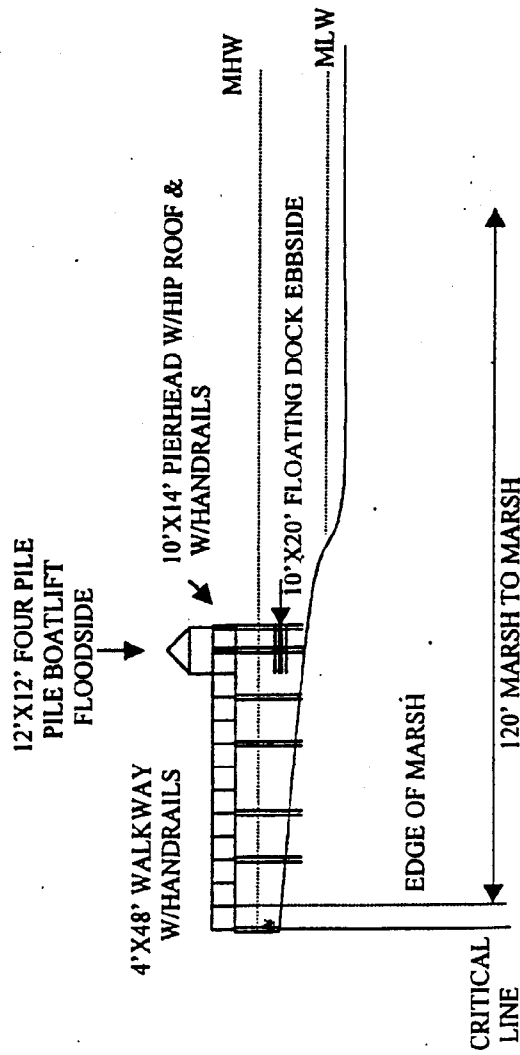
FEBRUARY, 2002

DCRM-02-018-M

NOT TO SCALE

PROPOSED ACTIVITY  
CONSTRUCT DOCK & BOATLIFT  
COUNTY  
CHARLESTON  
APPLICANT  
ALAN M. TANENBAUM  
DCRM-02-018-M

ELLIS CREEK  
JAMES ISLAND, SC



SEE SPECIAL  
CONDITION(S)

ELEVATION VIEW LOT 4 ELLIS OAK DRIVE  
JAMES ISLAND, SC

ADJACENT PROPERTY OWNERS

1. CUSTIS BYARS
2. ELLIS INVESTMENTS

FEBRUARY, 2002

NOT TO SCALE

PROPOSED ACTIVITY  
CONSTRUCT DOCK & BOATLIFT

COUNTY  
CHARLESTON

APPLICANT  
ALAN M. TANENBAUM

DCRM - 02-078-M

ELLIS CREEK  
160' MARSH TO MARSH

FLOOD  
EBB

12'X12' FOUR-PILE  
BOATLIFT

10'X14' PIERHEAD  
W/ROOF & HANDRAILS

10'X20' FLOATING DOCK

3'X20'  
RAMP

MLW

4'X35' WALKWAY  
W/HANDRAILS

120' AT CRITICAL LINE

1

PLAN VIEW LOT 4 ELLIS OAK DRIVE  
JAMES ISLAND, SC

ADJACENT PROPERTY OWNERS

1. CUSTIS BYARS
2. ELLIS INVESTMENTS, LLC

FEBRUARY, 2002

NOT TO SCALE

2

PROPOSED ACTIVITY  
CONSTRUCT PRIVATE DOCK & BOATLIFT  
COUNTY  
CHARLESTON  
APPLICANT  
ALAN M. TANENBAUM

OCRM-02-078-M

SEE SPECIAL  
CONDITIONS

0 9 0